**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.2123 OF 2005**
**IN**
**APPEAL LODGING NO.679 OF 2005**
**IN**
**WRIT PETITION NO.1156 OF 2005**

Ramesh Govind Tarvani .. Appellant
V/s
K.J.Somaiya College of Engineering & Anr.. Respondents

Mr.Neel Helekar for the Appellant.
Mr.K.K.Jadhav for Respondent No.1.

**CORAM: DR.S.RADHAKRISHNAN &**
**S.C.DHARMADHIKARI, JJ.**

**DATE : 26/08/2005.**

**P.C.:**

1. Heard the learned Counsel for the parties. By this Notice of Motion, the Appellant is seeking condonation of 43 days' delay in filing the Appeal. Perused the affidavit in support of the Notice of Motion as well as the affidavit in reply filed by Respondent No.1 dated 25.8.2005. For the reasons stated in the affidavit in support of the Notice of Motion, sufficient cause is made out for condonation of delay. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

2. Place the Appeal on board on 12.09.2005.

**(DR.S.RADHAKRISHNAN, J.)**

**(S.C.DHARMADHIKARI, J.)**